LEGISLATIVE HISTORY CHECKLIST

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LAWS OF:

1972

CHAPTER: 103

BILL NO:

S914

Sponsor(s):

Woodock

Date Introduced:

April 17, 1972

Committee:

Assembly: Judiciary

Senate:

Judiciary

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Yes

Amendments during passage denoted

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July 6, 1972

Senate:

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Yes

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Message on Signing:

Yes

Following were printed:

Reports:

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Yes

974.90

N.J. Legislature. Assembly. Judiciary Committee.

R299

Public hearing on S 914.

1972a

(Amends Hackensack Meadowlands Reclamation & Development Act)

CHAPTER 103 LAWS OF N. J 19 32 APPROVED 7-19-72

[OFFICIAL COPY REPRINT]

SENATE, No. 914

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1972

By Senators WOODCOCK, HAGEDORN, TURNER, ITALIANO, THOMAS, GIULIANO and SCHLUTER

Referred to Committee on Judiciary

An Act to amend the "Hackensack Meadowlands Reclamation and Development Act," approved January 13, 1969 (P. L. 1968, c. 404).

- Be it enacted by the Senate and General Assembly of the State
- 2 of New Jersey:
- 1 1. Section 59 of P. L. 1968, c. 404 (C. 13:17-60) is amended to
- 2 read as follows:
- 3 59. (a) The Legislature hereby finds and declares that a vital
- 4 component of any comprehensive plan for the development of the
- 5 meadowland district, is a program whereby the financial benefits
- 6 and liabilities of each constituent hunicipality, are clearly estab-
- 7 lished and equitably distributed. Article 9 of this act provides for
- 8 such a program, by the creation of an intermunicipal account, and
- 9 specifically provides that each constituent municipality will be
- 10 guaranteed, in perpetuity, against loss of its present existing tax
- 11 ratable values within the meadowland district occurring by reason
- 12 of the acquisition of taxable real property, through purchase,
- 13 eminent domain or gift, by a governmental body or agency to be
- 14 used for a public purpose, to the extent that such loss of existing
- 15 tax ratable values is not offset by increased true value of the
- 16 remaining taxable real property within the district, and will
- 17 equitably share in the new financial benefits and new costs resulting
- 18 from the development of the meadowland district as a whole. This
- 19 article further provides that the Hackensack Meadowlands Develop-
- 20 ment Commission shall not be able to receive any funds from the
- 21 intermunicipal account for its reserve fund for any purpose except EXPLANATION—Matter enclosed in hold-faced brackets fithus in the above bill is not enacted and is intended to be omitted in the law.

that the commistion shall be reimbarsed for the cost of administer-23ing said account].

- (b) The Hackensack Meadowlands Development Commission 24shall, in [1972] 1974, and every year thereafter, submit a report 25 to the Meadowlands Municipal Committee and the Legislature, 26 relating to the operation of the intermunicipal account in the prior 27 year, and shall recommend, when it deems necessary, such amend-28 ments to this article as it may deem necessary, to carry out the 29 legislative intent herein stated. 30
- 2. Section 59.1 of P. L. 1968, c. 404 (C. 13:17-61) is amended to 1 read as follows: 2
- 59.1. As used in this article, unless the content indicates another 3 meaning or intent: 4
- (a) "Adjustment year" means the year in which the respective 5 obligations of the intermunicipal account and the constituent mu-6 nicipalities of the district are due and payable. 7

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- (b) "Interminicipal account" means the administrative device established and administered by the commission to record all the transactions made pursuant to this article for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearing-house for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by this article.
- (e) "Meadowlands adjustment payment" means the amount that is payable by each constituent municipality to the intermunicipal 16 account, or the amount that is payable by the interminicipal account to each municipality, as the commission shall determine the 18 case to be pursuant to the provisions of this article. 19
 - (d) "Resident enrollment" means the number of full-time pupils who are residents of the school district and who are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public school of the school district or a school district or State teachers college demonstration school in which the school district of residence pays tuition; school district may count in its enrollment any pupil regularly attending on a full time basis a county vocational school in the same county for which the school district pays tuition.
- **L**(e) "Unimproved lands" means lands which are vacant and on 29 which there are no buildings or structures and which are not 30 classified as land undergoing construction in the year as defined 31 in subsection (f) below, as shall be determined by a survey by the 32 * * * * * commission.

34 (f) "Land undergoing construction" means land so designated 35 by the commission. Land shall be designated by the commission 36 as land undergoing construction if on or before the final adoption of

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37 the full master plan for the development of the district and final

38 approval of same by the United States Army Corps of Engineers,

39 but in no event later than January 1, 1971, the governing body of

40 a constituent numicipality files with the commission, a description

41 of any building or structure, undergoing construction as of the

42 effective date of this act within said municipality and the com-

43 mission is satisfied that the plans, specifications and actual con-

44 struction work thereon warrants that the property not be con-

45 clusive as unimproved land.

46 (g) "Redeveloped lands" means lands other than unimproved

47 lands, the use of which has been substantially changed pursuant

43 to the master plan or any redevelopment plan, as defined in

49 this act.

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(e) "Base year" means the calendar year 1970.

51 (f) "Comparison year" means the second calendar year preced-52 ing the adjustment near.

53 (g) "Apportionment rate" means a rate determined as follows:

(1) The total property taxes levied for local, school, and veteran

55 and senior citizens purposes, as certified pursuant to R. S. 54:4-52,

56 of the municipality in the comparison year, divided by

57 (2) The aggregate true value of all taxable real property, ex-

58 clusive of Class II railroad property, located in the municipality,

59 both within and without the district in the comparison year, as

60 determined by the Director of the Division of Taxation on October

61 I of the comparison year, pursuant to P. L. 1954, c. 86, as amended,

62 as the same may have been modified by the Division of Tax Appeals.

1 3. Section 62 of P. L. 1968, c. 404 (C. 13:17-64) is repealed.

4. Section 65 of P. L. 1968, c. 404 (C. 13:17-67) is amended to

2 read as follows:

3 65. (a) As used in this section, except as otherwise specifically

4 provided:

5 (1) The increase or decrease in aggregate true value of taxable

6 real property for any adjustment year shall be the difference

7 between

8 (i) The aggregate true value of that portion of taxable real property, exclusive of Class II railroad property, in the mu-

nicipality located within the district Las of October 1 of the

wear preceding the adjustment in the comperison year [less]

12 and

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...

- (ii) The aggregate true value of said property [as of October 1, 1969] in the base year. [plus a true value of the real estate designated by the commission as land undergoing construction as defined by this act. The true value of said land undergoing construction as determined annually shall be used as a true value until a certificate c occupancy is issued and then the value shall be fixed as of the date of said certificate.]
- (2) Aggregate true value of all taxable real property shall be determined by aggregating the assessed value of all real property within the district boundaries in each constituent municipality, Las the same may be modified by the county board of taxation upon appeal, and dividing said total by the average assessment ratio as promulgated by the Director of the Division of Taxation in the Department of the Treasury for State school aid purposes on October 1 of the respective years for which aggregate true value is to be determined, pursuant to P. L. 1954, c. 86, as amended, as the same may have been modified by the Division of Tax Appeals.
 - **(3)** The apportionment rate for any adjustment year shall be determined, as follows:
 - (i) The total property taxes levied for local, school, county, veteran and senior citizens purposes, on which the general tax rates are computed, as certified pursuant to R. S. 54:4-52, of all constituent municipalities, in the year preceding the adjustment year, divided by
 - (ii) The aggregate true value of all taxable real property, exclusive of Class II railroad property, located in all constituent municipalities, both within and without the district, in the year preceding the adjustment year, as determined by the Director of the Division of Taxation on October 1 of the year preceding the adjustment year, pursuant to P. L. 1954, c. 86, as amended, as the same may have been modified by the Division of Tax Appeals.
 - (3) For the purpose of calculating aggregate true value, the assessed value of taxable real property for any given year shall comprise:
 - (i) The as essed value shown on the assessment duplicate for such year, as certified by the county board of taxation and reflected in the county table of againgates prepared pursuant to R. S. 54:4-52, as the same may be modified by the county board of taxation upon appeal, plus
 - (ii) The provided a sessed value constaining to such year, as vertified by the considerable of all territion on or before into the reserve to see a second such as also as the constance.

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list for such year, as the same may be modified by the county board of taxation upon appeal; plus

- (iii) The assessed values pertaining to such year, as certified by the county board of taxation on or about October 10, with respect to the assessor's omitted property assessment list for such year, as the same may be modified by the county board of taxation upon appeal.
- (b) The amount payable to the intermunicipal account by each constituent municipality in any adjustment year shall be determined in the following manner: the apportionment rate calculated for the comparison year shall be multiplied by the increase, if any, in aggregate true value of taxable real property for such year; provided, however, that the amount payable to the intermunicipal account shall be limited to ten percent of the amount so calculated in the adjustment year 1973 and shall increase four percentage points a year until 50% of the amount so calculated is paid into the intermunicipal account in the adjustment year 1983 and thereafter.
- **[**(c) The amount payable to the intermunicipal account by any constituent municipality in any adjustment year shall also include any payments made to any such constituent municipality in the year preceding the adjustment year in lieu of real estate taxes located within the district.]
- (c) If, during any comparison year, a constituent municipality has received a payment in lieu of real estate taxes on property located within the district, then, for the purpose of calculating the increase or decrease in the municipality's aggregate true value under subsection (a)(1) of this section, there shall be added to the aggregate true value otherwise determined for such comparison year an amount determined by dividing the amount of said in lieu payment by the municipal tax rate for the comparison year and dividing the result by the average assessment ratio for school aid purposes as promulgated by the Director of the Division of Taxation, as same may have been modified by the Division of Tax Appeals.
- 5. Section 66 of P. L. 1968, c. 404 (C. 13:17-68) is amended to
 2 read as follows:
- 3 66. The guarantee payment payable by the intermunicipal ac-4 count to each constituent immicipality in any adjustment year shall 5 be computed as follows: if there is a decrease in the aggregate 6 true value of taxable real property as determined parsuant to sub-7 section (a) (1) of section 65 of this act, there shall be payable 8 as a guarantee payment from the externander, at account to such 9 numicipality, as remount to be seen divid by multiplying such de-

10 crease by the apportionment rate, as defined in subsection (a) (3)

11 of section 65 of this act.

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12 (a) The guarantee payment payable by the intermunicipal account to each constituent no nicipality in any adjustment year shall be computed as follows:

- 15 (1) If there is a decrease in the aggregate true value of taxable real property of any constituent municipality, as determined par-16 suant to subsection (a) of section 65 of this act, the commission 17 shall, subject to the provision of subsection (b) of this section, 18calculate the amount of decreased aggregate true value, occurring 19 20 in the comparison year, by reason of the acquisition, through purchase, eminent domain or gift, during the year preceding the com-21 parison year, of taxable real property by a governmental body or 2223agency to be used for a public purpose, whereby said taxable real property parcels or portions thereof became exempt from local real 34 25property taxes. Such decreased aggregate true value shall be calculated in the same manner as aggregate true value is determined 26 27 pursuant to subsection (a) of section 65 of this act and shall be 28based on the assessed value in the year of acquisition, of the parcels 29or portions thereof affected.
 - (2) There shall be payable as a generate payment from the intermunicipal account to each municipality, an amount to be calculated by multiplying the lesser of
 - (i) the amount of the decrease in aggregate true value determined pursuant to subsection (a) of section 65 of this act and
 - (ii) the amount of the decrease, if any, in aggregate true value calculated to be attributate to conversion of taxable property to exempt status, specified in paragraph (1) of this subsection,

by the apportionment rate, as defined in subsection (g) of section 3940 59.1 of this act, determined for the comparison year. If, in any comparison year and with respect to any constituent municipality, 41 no amount of decrease in aggregate true value is found to be 42 43 attributable to the conversion from taxable to exempt status specified in paragraph (1) of this section, no guarantee payment 44 shall be payable to such municipality in the applicable adjustment 45 46 year.

(b) The commission shall not be required to make the calculation prescribed in paragraph (1) of subsection (a) of this section, unless the governing body of any constitutent municipality claiming a decrease in aggregate true value attributable to the conversion of real property from a taxable to an exempt status specified in para
32 graph (1) of subsection (a) of the section shall no later than

- 53 December 1 in the comparison year, file with the commission a
- 54 statement to such effect, setting forth a description of the parcels,
- 55 or portions thereof, involved, together with such other information
- 56 as may be pertinent, in such form as the commission shall prescribe.
- 1 6. Section 67 of P. L. 1968, c. 404 (C. 13:17-69) is repealed.
- 1 7. Section 68 of P. L. 1968, c. 404 (C. 13:17-70) is amended to
- 2 read as follows:
- 3 68. For school district services, the service payment payable by
- 4 the intermunicipal account to any constituent municipality in any
- 5 adjustment year shall be found by dividing:
- 6 (a) The total local school tax levy, as shown on the Table of
- 7 Aggregates pursuant to R. S. 54:4-52 for the comparison Lyear
- 8 preceding the adjustment year, by the
- 9 (b) School resident enrollment on September 30 of such com-
- 10 parison [year preceding the adjustment] year, as certified pursuant
- 11 to section 63 of this act, and multiplying the result by the increase,
- 12 if any, in resident enrollment within the district boundaries of that
- 13 constituent municipality between September 30, [1969] 1970 and
- 14 September 30 of the comparison [year preceding the adjustment]
- 15 year.
- 1 8. Section 69 of P. L. 1968, c. 404 (C. 13:17-71) is repealed.
- 1 9. Section 70 of P. L. 1968, c. 404 (C. 13:17-72) is amended to
- 2 read as follows:
- 3 70. (a) If, in any adjustment year, the amount payable to the
- 4 constituent municipalities by the intermunicipal account for guar-
- 5 antee payments[,] and *school district* service payments[, and
- 6 project payments, plus any payment to the reserve fund as provided
- 7 in subsection (b) and the payment for the cost of administration of
- 8 the intermunicipal account as provided by subsection (c) is less
- 9 than the amount payable to the intermunicipal account pursuant to
- 10 section 65 of this act, the balance, if any, shall be apportioned
- 11 among the constituent municipalities in the same ratio as the Larea
- 12 of their unimproved and redeveloped lands] number of acres within
- 13 the district of each constituent municipality bears to the total Lof
- 14 such unimproved and redeveloped lands] number of acres in the
- 15 district, and shall be known as an apportionment payment.
- 16 **L**(b) The commission shall establish a reserve fund and in the
- 47 event that in any adjustment year, the amount payable by the
- 15 constituent municipalities to the intermedicipal account, pursuant
- 19 to section 65 of this not less the cost of administering the account,
- 20 exceeds the amount payable to the constituent municipalities for
- 21 guarantee payments, service payments and project payment from
- the account, an amount equal to good on a self-exer, see, by

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- 23 set aside and placed in the reserve fund until there is \$5 million
- 24 in said fund; thereafter, no further payments shall be made into
- 25 said fund unless the balance is less that \$5 million.
- 26 ([c] b) The commission shall not be able to receive any funds
- 27 from the intermunicipal account for the reserve fund provided for
- 28 in subsection (b) of this section for any purpose Lexcept that the
- 29 commission shall be reimbursed annually from the intermunicipal
- 30 account the cost of administering and determining the payments
- 31 due to or payable from account. The cost of administering the
- 32 intermunicipal account shall be transferred from said account to
- 33 the commission and shall be shown on the operating budget of the
- 34 commission as a line item].
- 1 10. Section 71 of P. L. 1968, c. 404 (C. 13:17-73 is amended to
- 2 read as follows:
- 3 71. If, in any adjustment year, the amount payable to the con-
- 4 stituent municipalities by the intermunicipal account for guarantee
- 5 payments [,] and service payments [, and project payments, plus
- 6 the cost of administering the intermunicipal account] exceeds the
- 7 amount payable to said account pursuant to section 65 of this act,
- 8 The reserve fund shall be drawn upon to make up the deficit. In
- 9 the event there is an insufficient amount in the reserve fund, I the
- 10 total service payments payable to all constituent municipalities
- 11 shall be reduced by the amount of the deficit and the service pay-
- 12 ment payable to each constituent municipality shall be reduced by
- 13 the same ratio as the total service payment to all constituent
- 14 municipalities was reduced.
 - 1 *11. Section 72 of P. L. 1968, c. 401 (C. 13:17-74) is amended
- 2 to read as follows:
- 3 72. (a) On or before February 1, 1973 and on or before February
- 4 1 of each year thereafter, the commission shall certify to the chief
- 5 financial officer of each constituent municipality an amount, known
- 6 as the meadowlands adjustment payment. The meadowlands ad-
- 7 justment payment for each constituent municipality shall be deter-
- 8—mined by adding all the payments payable to that municipality from
- 9 the intermunicipal account for school district service payments,
- 10 guarantee payments, [project payments.] and apportionment pay-
- 11 ments, if any, and by subtracting therefrom the obligations of that
- 42 municipality to the intermunicipal account, as calculated pursuant
- 13 In sections 65 and 71 of this wet.
- 14 (b) If the meadowlands adjustment payment for any constituent
- 15 manicipation in any edgestment year is payable to the constituent
- 16 minimized by the amount of said permit it shell be identified in the
- 17 manicipal Ladget of list meeting his on that gray as time ador.

18 lands adjustment" within the category "miscellaneous revenues 19 anticipated," and shall be due and payable in three equal install-20 ments to be made by the intermanicipal account to that municipality 21 on May 15, August 15, and November 15 of that year.

(e) If the meadowlands adjustment payment for any constituent .).) municipality in any adjustment year is payable to the intermenici-23 pal account, the amount of said payment shall be entered as a 24 special line item appropriation in the budget of the annicipality for 25 that year and shall be payable in three equal installments to be 26 made by the municipality to the account on May 15, August 15, and 27 November 15 of that year. No transfels may be made from said 28 appropriation except as is herein provided.* 29

[11.] *12.* This act shall take effect immediately.

24 in said fund; thereafter, no further payments shall be made into 25 said fund unless the balance is less that \$5 million.

26 ([c] b) The commission shall not be able to receive any funds 27from the intermunicipal account for the reserve fund provided for 28in subsection (b) of this section] for any purpose [except that the 29 commission shall be reimbursed annually from the intermunicipal 30 account the cost of administering and determining the payments due to or payable from account. The cost of administering the 31 32intermunicipal account shall be transferred from said account to the commission and shall be shown on the operating budget of the 33 commission as a line item]. 34

1 10. Section 71 of P. L. 1968, c. 404 (C. 13:17-73 is amended to 2 read as follows:

3 71. If, in any adjustment year, the amount payable to the con-4 stituent municipalities by the intermunicipal account for guarantee payments [,] and service payments [, and project payments, plus the cost of administering the intermunicipal account exceeds the amount payable to said account pursuant to section 65 of this act, Ithe reserve fund shall be drawn upon to make up the deficit. In the event there is an insufficient amount in the reserve fund, the total service payments payable to all constituent municipalities 10 shall be reduced by the amount of the deficit and the service pay-11 ment payable to each constituent municipality shall be reduced by 12the same ratio as the total service payment to all constituent 13 municipalities was reduced. 14

11. This act shall take effect immediately.

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STATEMENT

It is the purpose of this bill to make more equitable the operation of the tax-sharing provisions of the Hackensack Meadowlands Reclamation and Development Act, to limit the amount that a municipality must make available for tax-sharing to a percentage of new tax revenues derived from increases in value of meadowland real estate, to provide for a transitional period during which the impact of the tax-sharing provisions will be gradually increased, and to simplify the administration of the intermunicipal account.

1972 5.914

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 914

STATE OF NEW JERSEY

DATED: MAY 11, 1972

This bill amends several sections of article 9 of the Hackensack Meadowlands Reclamation and Development Act. This article contains a tax-sharing formula which was intended to result in an equitable distribution of tax revenues derived from the new development. The formula was designed so that a municipality would pay into a pool, called the intermunicipal account, an amount equal to the tax revenues it derived from the increased value in its meadowlands real estate.

Each municipality would then receive out of the account payments for services needed in its portion of the meadowlands district.

The present apportionment rate is calculated using the taxes and property for all the municipalities combined. This bill would change that formula by allowing a separate calculation for each municipality based on its own property and taxes. This amendment is for the purpose of keeping a large change in one municipality's values from changing the amount that all the municipalities must pay.

This apportionment rate is multiplied by the years increase in the aggregate true value of the property to determine the amount a municipality owes to the intermunicipal account. This bill would amend the provisions so that the amount paid in a year would be for the second year preceding the payment year rather than the payment year itself.

The amount of payment is also amended so that the amount payable in 1973 will be 10% of the amount calculated. This percentage would increase 4 percentage points a year until a maximum of 50% is reached.

The determination of the increase or decrease in value of the taxable real property is changed by this bill. Instead of using the value on October 1 of the preceding year, the value would be that of the second preceding calendar year.

The difference between this value and the value in 1970 rather than the value on October 1, 1969 would be the increase or decrease in value of the property.

The guarantee against loss authors in section 59 is amended to make it mean that the guarantee is only for loss caused by condemnation and not for any loss whatsoever.

This bill would repeat the provision for payment to a municipality for a decrease in the value of its property within the district. As a substitute, if there is such a decrease, the commission would then have to determine the amount of that decrease caused by the acquisition by the public and resulting tax exemption but they would have to make this calculation only if requested to do so by December 1 of the year of the determined decrease.

The municipality would then receive the lesser of either that amount or the total decrease in value multiplied by the apportionment rate. If there is no decrease that is caused by the property becoming the property of the State, no amount would be payable.

The requirement that a survey of redeveloped land and a census of the population be taken yearly by the commission is repealed. The Division of Employment Security in the Department of Labor and Industry would no longer be required to certify each year the amount of employment in each municipality within the district.

The calculation of payments for school district services would also be changed from the year preceding the adjustment to the second year preceding adjustment. The increase in students would be changed from a base year of 1969 to 1970.

FROM THE OFFICE OF THE GOVERNOR

JULY 19, 1972

FOR RELEASE:
IMMEDIATE

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Sponsored by Senator Joseph C. Woodcock (R., Bergen), Senate bill 914

List the tax sharing provisions of the Hackensack Meadowlands Act more equitable,

Limits to a percentage of new tax revenues, derived from increases in value of

Liviand real estate, the amount that a municipality must make available to the tax
Liviand pool. It also amends the formula for redistributing the revenue pool

Liviand the 14 municipalities involved.

The changes were made in response to a question raised in arguments before 24 New Jersey Supreme Court in a suit testing the constitutionality of the original 25 revenue-sharing formula as listed in the Hackensack Meadowlands Act.

In revising the method for contributing to the pool, the bill provides that a 1973, the first year of operation of the tax-sharing formula, ninety per cent of computed payment to the intermunicipal account, or tax-sharing pool, is excluded. Street, percentage decreases over a ten-year period until it levels off at 50 per cent in 1933.

Redistribution of the pool funds among the 14 municipalities according to formula has been arranged so that all the towns can share in the benefits resulting a planned and orderly use and restoration of the unique Hackensack Meadowlands

The Governor also signed into law Assembly bill 1425, sponsored by the stablyman Peter J. McDonough (R., Union), which deletes revenue derived from the stransportation Transportation Tax and the Transportation Benefits Tax as funds to meet the stransport and principal payment of the New Jersey Transportation Bond Act of 1972.